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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,543	03/14/2001	Raj Abhyanker	10005751-1	5470

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
	3625

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/809,543	ABHYANKER, RAJ
	Examiner	Art Unit
	Rob Rhode	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. ____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) Other: ____.

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 8 for example, the word(s) "acceptable, unacceptable and mixed acceptability" is/are a relative word, which renders the claims indefinite. The word(s) " acceptable, unacceptable and mixed acceptability" is/are not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. This also applies to claims 9 and 10 and the word(s), " marketability" as well as "marketable, unmarketable and mixed marketability. For examination purposes the word(s) "acceptable, unacceptable and mixed

acceptability" and the other words "marketability" as well as "marketable, unmarketable and mixed marketability" will be treated as a generic word(s).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 13, 16 – 21, 24 – 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Surfing to Spark market for surplus supplies", Susan E Fisher; InfoWorld, Framingham; Mar. 20, 2000 (hereafter referred to as "Surplus") in view of Woolston (US 6,266,651 B1).

Regarding claim 1 and related claims 17 and 25, the combination of Surplus and Woolston teach a method and system for reverse logistics, comprising the steps of: where Surplus teaches offering used goods, owned by an actual seller, for sale over an internet exchange portal (see at least Page 1 and Page 2, Para. 1 – 3); selling a right to market the used goods to a virtual seller (see at least Page 1 and Page 2). Additionally and regarding claim 2, Surplus teaches a method, wherein the used goods are subject to rapid depreciation (Page 1) and (3) teaches a method, wherein the used goods are used computer goods (Page 1 and 2). Moreover and regarding claim 4 and related claims 18 and 26, Surplus teaches a method, wherein: the virtual seller is a

manufacturer of new goods; and the actual seller is a strategic account customer of the manufacturer (Pages 1 and 2) and (11) wherein the categorizing step includes the step of: categorizing the used goods by functionality levels (Page 2) as well as (12) wherein the functionality levels include systems, devices, components, parts, and materials (Page 2).

However, Surplus does not specifically disclose and teach marketing the used goods over the portal under direction of the virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer.

On the other hand, Woolston does teach marketing the used goods over the portal under direction of the virtual seller (see at least Abstract, Col 2, lines 51 – 58 and Col 3, lines 19 – 31); identifying an actual buyer (see at least Col 2, lines 36 – 52); and selling the used goods to the actual buyer (see at least Col 2, lines 36 – 52 and Col 5, lines 1 – 14). Moreover:

regarding 5 and related claims 19 and 27, Woolston teaches a method, wherein the selling a right step further includes the step of: charging the actual seller a lower price for acquiring the new goods in exchange for 3 marketing the used goods (Col 4, lines 32 – 36).

regarding claim 6 and related claims 20 and 28, Woolston teaches a method, wherein the marketing step includes the steps of: categorizing the used goods; and differentiating marketing by category (see at least Abstract and Col 2, lines 47 – 54) and (7) wherein the categorizing step includes the step of: categorizing the used goods by their condition (Col 3, lines 47 – 48 and Col 13, lines 40 – 44) as well as (8) wherein the categories include acceptable, unacceptable, and mixed acceptability (Col 13, lines 40 – 43) and (9) wherein the categorizing step includes the step of: categorizing the used goods by marketability (Col 13, lines 40 – 44).

regarding claim 10, Woolston teaches a method, wherein the marketability categories include marketable, unmarketable, and mixed marketability (Col 13, lines 40 – 44).

regarding claim 13 and related claims 21 and 29, Woolston teaches a method, wherein: the marketing step includes the step of virtually differentiating a portion of the used goods into both a first category and a second category; the identifying step includes the steps of, receiving a first offer for the first category from a first actual buyer; and receiving a second offer for the second category from a second actual buyer, wherein the second offer is of greater value than the first offer; and the selling the used goods step includes the step of selling the portion of used goods to the second actual buyer (see at least Abstract, Col 13, lines 40 – 44 and Col 5, lines 57 – 60).

regarding claim 16 and related claims 24 and 32, Woolston teaches a method including the steps of: obtaining credit for a predetermined amount of funds from a creditor on behalf of the actual buyer; and delaying payment of the funds from the creditor to the actual seller until after the actual buyer inspects and approves the used goods (Col 6, lines 56 – 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston with the method and system of Shkedy to enable a method for reverse logistics, comprising the steps of: offering used goods, owned by an actual seller, for sale over an internet exchange portal; selling a right to market the used goods to a virtual seller; marketing the used goods over the portal under direction of the virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer – in order to establish an exchange portal to support strategically important selling accounts. In that regard, the manufacturer can offer a service to key strategic accounts that will enable them to purchase used products at a reduced cost. In this manner, the account's satisfaction will be increased as well as the potential for increased return and thereby increasing the probability that they will continue to work with manufacturer in the future.

Claims 14, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Surplus and Woolston as applied to claim 6 above, and further in view of Shkedy (US 6,260,024 B1).

The combination of Surplus and Woolston substantially discloses and teaches the applicants invention.

However, the combination does not specifically disclose and teach a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods.

On the other hand and regarding claim 14 and related claims 22 and 30, Shkedy teaches a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods (see at least Abstract, Col 6, lines 50 – 52, Col 7, lines 14 – 20, Col 16, lines 16 – 28 and Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston with the method and system

of Shkedy to enable a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods – in order to maximize the return for participants. In that regard, the portal will be able to increase its liquidity through increased participation by larger number of buyers and sellers. Indeed, the overall satisfaction with the portal will increase for all participants, which will increase the probability that they will recommend the site to others.

Claims 15, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Surplus and Woolston as applied to claim 6 above, and further in view of Pallakoff (US 6,269,343 B1).

The combination of Surplus and Woolston substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of

category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller.

On the other hand, Pallakoff teaches a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller (see at least Abstract, Col 10, lines 56 –60 and Figures 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston with the method and system of Pallakoff to enable teach a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller – in order to have provided the capability to permit the aggregating sellers offers. In this manner, the portal participants and especially the sellers will be able to combine, which this feature will increase the totals available to be bid and thereby increasing the potential number of buyer bids. Moreover, portal will

increase its participants and it's liquidity, which will increase the probability of increased return for all.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

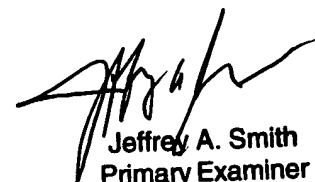
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"PROPOSED" or "DRAFT"]



Jeffrey A. Smith
Primary Examiner